

REMARKS

Claims 1, 2, 4-9, 11, 12 and 14-19 are pending in this application. By this Amendment, claims 1, 2, 6-9, 11, 12, 15, 18 and 19 are amended, and claims 3, 10, 13, 20 are canceled without prejudice to, or disclaimer of, the subject matter recited therein. Support for amendments to claims 1, 2, 8, 9, 11, 12, 15, 18 and 19 can be found in at least in Fig. 6 and the corresponding description in the specification, for example, page 18, line 5 - page 19, line 20. Claims 6 and 7 are amended for dependency. Thus, no new matter is added.

I. October 23, 2003 Information Disclosure Statement

The Office Action asserts that the Information Disclosure Statement (IDS) filed October 23, 2003 fails to comply with 37 C.F.R. §1.98(a)(3) because it does not include a concise explanation of the relevance. The Office Action further asserts that the PCT Search Report filed with the October 23, 2003 IDS lists the patents as being relevant to all claims, "without any statement of how they are relevant or a translation of the sections of the search report indicate they are relevant." These assertions are respectfully traversed.

The October 23, 2003 IDS complies with the requirements for a concise explanation of the relevance pursuant to 37 C.F.R. §1.98(a)(3). As discussed in MPEP §609.04 (iii), submission of a Search Report or other action by a foreign Patent Office, if submitted in English, can satisfy the requirement for concise explanation of relevance. The October 23, 2003 IDS submitted a foreign search report in English, as acknowledged by the Office Action. Accordingly, the October 23, 2003 IDS complies with the requirements of 37 C.F.R. §1.98(a)(3). Applicant requests consideration of the references cited therein. A copy of the PTO-1449 filed with the October 23, 2003 IDS is provided for the Examiner's convenience.

II. The Claims Define Patentable Subject Matter

The Office Action rejects claims 1-20 under 35 U.S.C. §102(b) over U.S. Patent No. 5,922,040 to Prabhakaran. The rejection of canceled claims 3, 10, 13 and 20 is moot, and the rejection of claims 1, 2, 4-9, 11, 12 and 14-19 is respectfully traversed.

Prabhakaran does not teach or suggest every feature recited in independent claims 1, 8, 9, 11, 12, 15, 18 and 19. In particular, Prabhakaran does not teach or suggest a physical distribution system nor a physical distribution information server, wherein "the information management module retrieves the physical distribution information to find the current position of the transportation medium of the carrier that has the desired cargo that satisfies a predetermined condition of the cargo of interest for delivery of the cargo of interest, the predetermined condition including an acceptance of the delivery of the cargo of interest by the carrier, the information processing module ...causes the processed information to be displayed on the display unit for selection of the carrier by the shipper," as recited in independent claim 1, and as similarly recited in independent claim 11 (emphasis added). Similarly, Prabhakaran does not teach or suggest a method for utilizing physical distribution information nor a computer readable medium that includes "retrieving the physical distribution information to find the current position of the transportation medium of the carrier that has the desired cargo that satisfies a predetermined condition of the cargo of interest for delivery of the cargo of interest, the predetermined condition including acceptance of delivery of the cargo of the interest by the carrier, and transmitting information representing a result of the retrieval to the shipper for selection of the carrier," as recited in independent claim 8, and as similarly recited in independent claim 18 (emphasis added).

Prabhakaran does not teach or suggest a physical distribution system nor a physical distribution information server, wherein "the information management module retrieves the physical distribution information to find an address of the shipper that has the cargo of

interest that satisfies a predetermined condition of the desired cargo that for delivery by the carrier and the current position of the transportation medium, the information processing module processes information ...and causes the processed information to be displayed on the display unit of the carrier to apply for acceptance of the delivery," as recited in independent claim 2, and as similarly recited in independent claim 12 (emphasis added). Similarly, Prabhakaran does not teach or suggest a method for utilizing physical distribution information nor a computer readable medium that includes "retrieving the physical distribution information to find an address of the shipper that has the cargo of interest that satisfies a predetermined condition of the desired cargo for delivery by the carrier, and the current position of the transportation medium by the carrier, and transmitting information representing a result of the retrieval to the carrier to apply for acceptance of the delivery," as recited in independent claim 9, and as similarly recited in independent claim 19 (emphasis added).

Finally, Prabhakaran does not disclose a carrier information terminal that includes "a display in that displays an address of the shipper that has a cargo that satisfies a predetermined condition of the desired cargo for delivery by the carrier and the current position of the transportation medium by the carrier, based on the information supplied from the server," as recited in independent claim 15 (emphasis added).

Prabhakaran merely discloses a system for fleet management that receives the vehicle position data and transmits to a fleet of vehicles, e.g., couriers, through the mobile information center (Prabhakaran, Abstract). Further, Prabhakaran merely creates to a system that creates schedules for its own fleet mobile units based on an order without any input by the shipper (Prabhakaran, Figs. 4 and 14 and col. 39, lines 4-59). In other words, the system of Prabhakaran merely manages a carrier's own fleet mobile units based on the vehicle position data.

On the contrary, the claimed system allows a carrier to search for cargo that is inputted by a shipper that can be delivered by the carrier's transportation mediums that meet a predetermined condition. Furthermore, the claimed system allows the shipper to search for the carriers that inputted a desired cargo, which meets the predetermined condition of the cargo of interest, for the shipper to select.

Thus, for at least the reasons, independent claims 1, 2, 8, 9, 11, 12, 15, 18 and 19 are patentable over Prabhakaran. Further, claims 4-7, 14, 16 and 17, which variously depend from independent claims 1, 11 and 15, are also patentable over Prabhakaran for at least the reasons discussed above with regard to the independent claims, as well as for the additional features they recite. Withdrawal of the rejection is thus respectfully requested.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the pending claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:

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